

REMARKS

This Amendment responds to the office action mailed on June 18, 2007. In the office action, claims 19-32 are rejected. Claims 19-25 and 28-32 are cancelled by this Amendment, and new claims 33-40 are added. The rejection of claims 26 and 27 are traversed.

Examiner Interview

Examiner Lu is thanked for the courtesies extending during a telephone interview with the undersigned on September 7, 2007. During the interview, the rejection of claims 26 and 27 and the cited Mendez reference (U.S. Patent Application Pub. No. 2003/0097358) were discussed. The remarks contained herein further summarize the interview.

Rejection of Claims 26 and 27

Claims 26 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mendez (U.S. Patent Application Pub. No. 2003/0097358). These rejections are respectfully traversed.

Independent claim 26 recites a memory management method for a mobile device. As claimed, the method operates in a system that includes a server that stores copies of data items (e.g., emails) that are transmitted to the mobile device, and the mobile device also has a memory subsystem for storing the data items. That is, data items, such as emails, may be stored both on the mobile device and at the server. In order to create needed memory space on the mobile device, the memory management method, upon determining that additional memory space is needed, communicates with the server to determine if copies of one or more data items are stored on the server. If so, then those one or more data items are deleted from memory in the mobile device to create the additional memory. In this way, additional memory space on the device is freed without deleting the only existing copy of a data item.

The Mendez reference describes nothing like the memory management method recited in claim 26. Indeed, Mendez does not describe any type of memory management method at all. Further, the office action fails to show correspondence between the teaching of Mendez and the language of claim 26, and thus does not make out a *prima facie* case under 35 U.S.C. § 103(a). During the telephone interview,

Examiner Lu indicated that this may have resulted from his misunderstanding of claim 26, and that he would reconsider the rejection now that he more fully appreciates what is being claimed. Accordingly, reconsideration of claims 26 and 27 is requested.

New Claims 33-40

New claim 33 is an apparatus claim that includes limitations similar to those in method claim 26. Claim 33 is therefore patentable for at least the same reasons as claim 26. Claims 34-40 each ultimately depend from claim 33 and are therefore also patentable.

Conclusion

For at least the above reasons, the patent owner respectfully submits that claims 26, 27 and 33-40 are patentable over the prior art and are in condition for allowance. Allowance is respectfully requested.

Respectfully submitted,



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